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In re Application of :
Thomas Dean Gulley : DECISION ON PETITION
Application No. 10/080,818 : TO WITHDRAW THE
Filed: February 22, 2002 : HOLDING OF ABANDONMENT
For: THREE-PIECE BARREL HINGE

This is a decision on applicant's petition filed May 19, 2004 which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action dated September 16, 2003 and a Notice to that effect was mailed on April 20, 2004.

Petitioner states that a response was filed on December 17, 2003 by facsimile transmission. The copy of the response submitted with the petition includes a Certificate of Transmission dated December 17, 2003 and a copy of a transmission sheet. However the transmission sheet is not an official USPTO return facsimile receipt. Therefore, applicant must rely on the Certificate of Transmission by facsimile as the basis for the petition to withdraw the holding of abandonment.

Any petition to withdraw the holding of abandonment based upon a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



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KJD/vdb: 7/1/04